

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7403 of 2006()

AGAINST THE ORDER IN ST. 2934 /1999 -
LP.28/2002 of J.M.F.C., PATTAMBI
.....

: APPLICANT/ACCUSED:

ANILKUMAR. T.S., S/O.MUTHU. K.,
AJITHALAYAM, MOORKATTUPARAMBIL,
OTTAPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: COMPLAINANT-STATE:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7403 OF 2006

DATED THIS THE 14TH DAY OF DECEMBER, 2006

O R D E R

In this petition filed under section 438 Cr.P.C., petitioner who is the 3rd accused in Crime No.3/99 of Pattambi Police Station for offences punishable under sections 448 , 294(b) and 506(i) read with section 34 IPC, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the J.F.C.M, Pattambi in S.T.No.2934/99, the case against him has been transferred to the long pending register as L.P.No.28/02. Non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE